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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,963	08/26/2003	Martin Lund	14222US02	5243
23446 7590 03/27/2007 MCANDREWS HELD & MALLOY, LTD 500 WEST MADISON STREET SUITE 3400 CHICAGO, IL 60661			EXAMINER KUNAMNENI, HARI P	
			ART UNIT	PAPER NUMBER
			2109	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		03/27/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/647,963

Applicant(s)

LUND, MARTIN

Examiner

Hari Kunamneni

Art Unit

2109

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date May 2, 2005.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED FRIST OFFICE ACTION**

### ***Claim Objections***

1. Claims 1-15 are objected because of the following.

Claim 1 and 5 (references to claim 5 are in the brackets here after) are objected to because of the following informalities:

Claim 1 (5), on lines 6 (8) and 7(9) refer to, " a portion of said received ... ". It is not clear, if both are referring to the same portions or different portions of the packets. If they both are referring to the same portion of the packet, then second instance should be introduced with a definite article .

Examiner is assuming they are the same portions of the received packets for further examination.

Claim 9 is objected to because of the following:

In claim 9, lines 5-6, state that, "... coupled said first blade ...", the word to should be inserted after word coupled.

Since independent claims 1, 5 and 9 are objected, all the claims depending upon the claims are also rejected.

Appropriate correction is required.

***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 1-15 are rejected under 35 U.S.C. 101 because they are non-statutory subject matter.

In the specification, on page 18, Para 57, applicant states, "... invention may be realized in hardware, software, or a combination of hardware and software.". If the invention is implemented in software then it is non-statutory, because software is neither machine, process, composition of matter, nor article of manufacture. Therefore, claims 1-15 are rejected as non-statutory subject matter.

Changing the specification to include only that invention may be realized in hardware or combination of hardware and software will make the invention statutory subject matter.

Claims 1-4 are further rejected because they are statutory method claims with a judicial exception of implementing an abstract idea (receiving, determining,

and routing, etc.) having no tangible output, i.e. the packets are moved around with in the multi-server platform, without leaving the multi-server platform.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-15 are rejected under 35 U.S.C. 102(b) as being anticipated by CISCO publication (July 1995, pages 1-14).

CISCO publication describes:

For claims 1 and 5:

A method and computer program for communicating information in a server platform, the method comprising:

receiving at least one packet from at least one of a first switch blade associated with a first multiserver platform (see Page 9, Figure 9, left hand side bottom switch is first blade switch and multiserver platform is one under label VLAN1; it is inherent with network interface that any packet originated by the multiserver will be received by the first blade switch.);

determining at least a second server blade associated with a second multiserver platform for receiving at least a portion of said received at least one packet (see Page 9, Figure 9, The second blade switch is left top switch and multiserver platform is the one under VLAN1; when a packet is received from first multiserver platform is received by the switch, the switch will determine (determination is made by rules set by administrator) if the packet is to be sent to second multiserver platform, "Both of these techniques examine the packet when it is either received or forwarded by the switch. Based on set of rules defined by the administrator ...", Page 3, third Para, lines 4-6); and

routing at least a portion of said at least one received packet to at least said second server blade (Once the determination is made by the first blade switch, that packet belongs to multiserver platform connected to second switch blade, it will be sent (routed to) to second blade that is associated with second multiserver platform, "Based on the set of rules defined by the administrator, these techniques determine where the packet is to be sent, filtered, and/or broadcast.", Page 3, third Para, Lines 5-7).

For Claims 2 and 6:

The method and computer according to claim 1 and 5 (see supra for discussion of claims 1 and 5), wherein said receiving further comprises receiving said at least one packet by at least one of a third switch blade (see Page 9, Figure 9, right top side switch is the third blade switch) and a central switch (see Page 9, Figure 9, top switch is central switch; it is inherent in the FDDI a packet on the ring will be received by all members of the ring).

For claims 3 and 7:

The method and computer program according to claims 2 and 6 (see supra, for discussion of claim 2 and 6), further comprising if said at least one packet is received by said central switch, communicating said at least a portion of said at least one received packet to at least said second switch blade via at least one communication link that couples said central switch directly to said at least said second switch blade (See page 9, Figure 9, the central switch is middle top switch on FDDI ring, and is connected through FDDI ring to the bottom left (first blade switch) and top left (second blade switch) switch. If a packet is received by the central switch it will be sent to proper multiserver platform blade switch, based on which multiserver the packet belongs, "Based on the set of rules defined by the administrator, these techniques determine where the packet is to be sent, filtered, and/or broadcast.", Page 3, third Para, Lines 5-7).

For claims 4 and 8:

The method and computer program according to claims 1 and 5 (see supra for claims 1 and 5 discussion), further comprising processing said routed at least a portion of said at least one received packet by said at least said second blade server (On the FDDI ring the packet will be received by second blade switch and will be processed by the ring interface of the switch.).

For claim 9:

A system for communicating information in a server platform, the system comprising:

a first multiserver platform (for this claim, Page 8, Figure 8, right hand side block will be used for claim elements; bottom row) comprising at least one of a network interface (multserver platform first one in bottom row, under VLAN1 and a network interface connecting to the switch to the multiserver) and a first switch blade (bottom block of three switches, second one connected to first multiserver platform under the label VLAN1); and

at least a second multiserver platform (second row) comprising a second switch blade (middle switch) coupled [to] said first switch blade of



said first multiserver platform (middle switch connected to second multiserver platform, under the label VLAN1; both first multiserver platform and second multiserver platform are coupled by VLAN1).

For claim 10:

The system according to claim 9 (see supra for discussion of claim 9), further comprising at least a third multiserver platform (Figure 8, right hand side block, sixth switch from bottom connected to third multiserver platform, under the label VLAN1) comprising a third switch blade (Page 8, Figure 8, right hand side block, sixth switch from bottom connected to third multiserver platform present under label VLAN1) coupled to at least one of said second switch blade of said second multiserver platform and said first switch blade of said first multiserver platform (all three multiserver platforms are coupled by VLAN1).

For claim 11:

The system according to claim 10 (see supra for discussion of claim 10), wherein said first multiserver platform (Page 8, Figure 8, right bottom first multiserver platform under VLAN 1), said second multiserver

platform (Page 8, Figure 8, right center multiserver platform under VLAN 1) and said third multiserver (Page 8, Figure 8, right top third multiserver platform over VLAN 1) are coupled in daisy-chain configuration (Small Business Computing online dictionary defines daisy chain as, "daisy chain: (n) A hardware configuration in which devices are connected one to another in a series. The SCSI interface, for example, supports a daisy chain of up to 7 devices.". As you can see from page 8, Figure 8, the first, second and third multiserver platforms communication path is in series).

For claim 12:

The system according to claim 10, wherein said first multiserver platform, and said third multiserver platform communicate via said second multiserver platform (As per page 8, Figure 8, the first multiserver platform including the switch and the second multiserver platform including the switch have to communicate through second multiserver platform including the switch (because the switch is a blade switch, which is part of multiserver platform)).

For claim 13:

The system according to claim 9 {Claim 9, discussion:

A system for communicating information in a server platform, the system comprising:

a first multiserver platform comprising at least one of a network interface and a first switch blade (Figure 9, clockwise bottom right hand side blade switch, server 1 with network interface to switch labeled under VLAN1); and

at least a second multiserver platform comprising a second switch blade coupled said first switch blade of said first multiserver platform (Figure 9, clockwise top left hand side, second multiserver platform under the label VLAN1, network interface connected to second switch, both coupled by VLAN1).

}, further comprising at least one central switch (page 9, Figure 9, top central switch) coupled to at least said first switch blade of said first multiserver platform and said second switch blade of said second multiserver platform ( first and second switches are coupled by FDDI ring).

For claim 14:

The system according to claim 13 (see supra for claim 13 discussion), further comprising at least a third switch (Page 9, Figure 9, clockwise top right hand side switch) blade of a third multiserver platform (third multiserver platform present under the label VLAN1) coupled to said at least one central switch (Page 9, Figure 9, top central switch coupled to other four switches by FDDI ring).

For claim 15:

The system according to claim 14 (see supra for claim 14 discussion), wherein said first multiserver platform, said second multiserver platform and said third multiserver platform communicate via said central switch (Page 9, Figure 9, top central switch coupled to other three switches containing Multiserver platform 1, clockwise bottom left switch on VLAN1, multiserver platform 2 clockwise top left switch on VLAN1, and multiserver platform 3 clockwise top right switch on VLAN1).

## **CONCLUSION**

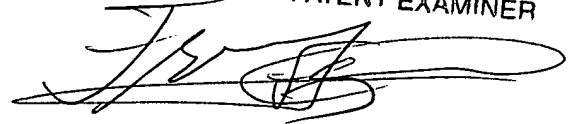
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hari Kunamneni whose telephone number is (571)274-1592. The examiner can normally be reached on Monday thru Friday 7:30-5:00 PM alt. fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, FRANTZ JULES can be reached on (571 )272-6681. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

hpk  
3/19/2007

FRANTZ JULES  
SUPERVISORY PATENT EXAMINER

A handwritten signature in black ink, appearing to be 'Frantz Jules', written over a horizontal line.